

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DIVISION
ABINGDON DIVISION**

KYMBERLY HOBBS, ADMINISTRATOR
OF THE ESTATE OF CHARLES JAMES
GIVENS, DECEASED,

Plaintiff,

Civil Action No.: 1:23-cv-00003

v.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

PLAINTIFF'S SECOND AMENDED PRETRIAL DISCLOSURES

COMES NOW Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens, Deceased, by counsel, and, pursuant to the Court's Rule 16(b) Scheduling Order (ECF Dkt. No. 31, *see also* ECF Dkt. No. 86 (setting the dates of the trial)), the Court's Trial Order (ECF No. 170), the Court's Opinion and Order (ECF No. 177), and Fed. R. Civ. P. 26(a)(3), herein files her Second Amended Pretrial Disclosures.

Witness List

Plaintiff intends to call the following witnesses in her case-in-chief:

1. Plaintiff Kymberly Hobbs
2. Ronald Danny West, Jr.
3. Edwin Catron
4. Debbie Douglas
5. Special Agent Heath Seagle
6. Defendant Anthony Kelly
7. Defendant Joshua Jackson

8. Defendant Gregory Plummer
9. Defendant William Montgomery
10. Defendant Samuel Osborne
11. Eli Goodman, MD
12. Jesse Shriki, DO, MS, FACEP
13. William Oliver, MD, MS, MPA
14. Any necessary custodian of records (in the event that adequate stipulations are not reached)
15. Designation of the deposition of any witness unable to attend or outside the jurisdiction of the Court

Plaintiff reserves the right also to call as a witness in her case-in-chief any witness designated by Defendants. Plaintiff also reserves the right to modify the foregoing list commensurate with the Court's further orders.

Exhibit List

Exhibits Plaintiff Expects to Offer

Exhibit No. (“P._”)	Plaintiff’s Deposition Exhibit No. (if any)	Bates No. (if any)	Title of Document
1	110		Photo of Givens with his sister
2 A-P		A. HOBBS008575; B. HOBBS008585; C. HOBBS008586; D. HOBBS008587; E. HOBBS008588; F. HOBBS008590; G. HOBBS008591; H. HOBBS008592; I. HOBBS008594; J. HOBBS008595; K. HOBBS008597;	Photos of Givens and his family

		L. HOBBS008601; M. HOBBS008603; N. HOBBS008605; O. HOBBS008606; P. HOBBS008607- HOBBS008608	
3		HOBBS008565- 008567	Guardianship Order
4		HOBBS000011	Qualification as Administrator
5 A-E		A. Catron Audio 1. 168_916. mp3 B. Catron Audio 2. 203_702. mp3 C. Catron Audio 3. 170_29. mp3 D. Catron Audio 4. 135_188. mp3 E. Catron Audio 5. 165_631.mp3	Audio excerpts from Catron phone calls
6		HOBBS008657- 008658	Debbie Douglas and Kym Hobbs texts
7		HOBBS008659	Debbie Douglas and Kym Hobbs phone call
8 A		HOBBS008660	Debbie Douglas and Kym Hobbs voicemail
8 B		SIU 000269-000272	Emails between and/or among O'Der, Douglas, and the Governor's Office
9		HOBBS005025- 005026	VDOC Disciplinary Offense Report

10	115		Givens' death scene photo
11	151	MJKP 00317- 00325	Givens' death scene photos
12		HOBBS005015-005023	Report of Autopsy with Certificate of Analysis
13	111	2VDOC000064-000110	Death Certificate, Death Notice, Institutional Records File
14	Selected photos were introduced as 112, 166, 176	HOBBS006061-006100	Autopsy Photos of Givens
15	116	HOBBS006115	Photo of Cell Door 19 with Givens' Face Sheet
16	117		Fall Precaution Sign
17		HOBBS000001	Letter to Kym Hobbs
18	119	2_VDOC_001891-001897	VDOC Facility Bed History
19 A-F		A. dji_fly_2_17058766 05415 B. dji_fly_2_17058766 05434 C. dji_fly_2_17058766 05444 D. dji_fly_2_17058766 05462 E. dji_fly_2_17058766 05469	Aerial Photos of MCTC

		F. dji_fly_2_17058766 05477	
20	66	HOBBS000153	VDOC Interdisciplinary Progress Notes (MCTC 41)
21	66A	HOBBS000155 – 000157	Town of Marion, Marion Fire/EMS Patient Care Record
22	66B	HOBBS004742	Diagram of MCTC Wing
23	66C	HOBBS004797 – 004801	VDOC Health Services Consultation Report; 2B Logbook
24	66D	HOBBS005082 – 005099	VDOC Internal Incident Report
25	66E	SIU000001 – 000013	VDOC Incident Report
26	66F	SIU000902 – 000977	Special Investigations Unit Marion Correctional Treatment Center Incident Report
27	67	HOBBS006037- 006052	Virginia State Police Investigative Report – File No. 22-2333
28	73		VDOC Organizational Chart
29	88	2_VDOC_000266- 000324	VDOC Memorandum, Report of Investigation – #180213MAR – (FINAL)
30	96	VDOC_002688- 002689	Emails with Stephanie Kennedy, Annasue Cook
31	97	VDOC_002913- 002916	VDOC Employee Work Profile Work Description and Performance Plan
32	154	MKJP 00130 - MKJP 00174	VDOC Health Services Consultation Report, 2B Post Logbooks, handwritten medical notes, Physicians Progress Notes, Health Service Complaint and Treatment Form, Fall Risk Assessment, QMC Consultation Request, Interdisciplinary Progress Notes, Disciplinary Actions,

			Offender Summary Report, Face Sheet, Death Notice, Clinical Report
33	155	MKJP 00193 - MKJP 00212	Virginia State Police Investigative Report – File No. 22-2333
34	156	MKJP 00301- MKJP 00316	VDOC Officer's Log Sheet
35	159	VDOC_002640 - VDOC_002641	2B Logbook
36	157	MKJP 00232- MKJP 00300	VDOC Incident Report
37		Hobbs 4 camera.mp4	Video of 2B Hallway 2-05-2022, Merged Camera Angles
38 A-D		HOBBS006251-006254 A. 220214103831_MC TC2572BMAINHA LL_(1)_1 B. 220214103831_MC TC2562BMAINHA LL_(1)_2 C. 220214103831_MC TC2552BMAINHA LL_(1)_3 D. 220214103831_MC TC2542BMAINHA LL_(1)_4	Video of 2B Hallway, Separate Camera Angles
39	113	DSC_3405	Photo of two showers
40	114	DSC_3410	Photo of shower door
41	129	DSC_3393	Photo of shower room through doorway
42	130	DSC_3394	Photo of shower room

43	131	DSC_3397	Photo of doorway
44	132	DSC_3399	Photo of storage closet
45	133	DSC_3400	Photo of storage closet
46	134	DSC_3405	Photo of two showers through doorway
47	135	DSC_3415	Photo of two showers
48	136	DSC_3416	Photo of locked shower door
49	137	DSC_3432	Photo of shower room
50	138	DSC_3435	Photo of Mark Krudys holding bucket over shower
51	140	DSC_1029	Photo of mop closet
52	5	HOBBS004713	VDOC Health Services Complaint and Treatment Form, SISP
53	21	HOBBS004258	VDOC Interdisciplinary Progress Notes (MCTC 41)
54	23	HOBBS004257	VDOC Interdisciplinary Progress Notes (MCTC 41)
55	23A	2_VDOC_000399 – 000400	VDOC Officer's Log Sheet
56	24	HOBBS004454	VDOC Interdisciplinary Progress Notes (MCTC 41)
57	28	HOBBS004451	VDOC Interdisciplinary Progress Note
58	60	HOBBS004806	VDOC Physicians Progress Notes (MCTC 36)
59	30	HOBBS000227 – 000230	Office of Health Services Wound Assessment
60	36	2_VDOC_000422 – 000426	Medical Cell Logbook

61	59	HOBBS005047	VDOC Health Services Complaint and Treatment Form, Marion Correctional Treatment Center
62	63	HOBBS005043	VDOC Physicians Progress Notes (MCTC 36)

**Exhibits Plaintiff May Offer if the Need Arises or
if Permitted by the Federal Rules of Evidence**

Exhibit No. ("P._")	Plaintiff's Deposition Exhibit No. (if any)	Bates No. (if any)	Title of Document
63			Defendant Anthony Kelly's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
64			Defendant Joshua Jackson's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
65			Defendant Gregory Plummer's Answer to Plaintiff's First Interrogatories and Requests Production of Documents
66			Defendant William Montgomery Answer to Plaintiff's First Interrogatories and Requests Production of Documents
67			Defendant Osborne Answer to Plaintiff's First Interrogatories and Requests Production of Documents
68 A-K		A.HOBBS008639 B. HOBBS008640 C. HOBBS008641 D. HOBBS008642 E. HOBBS008643 F. HOBBS008644 G. HOBBS008645	Grand Jury Testimony

		H. HOBBS008646 I. HOBBS008647 J. HOBBS008648 K. HOBBS008649	
69	125	HOBBS006228 07.18.22	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:18:22
70	126	HOBBS006228 07.26.25	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:26:25
71	127	HOBBS006228 07.32.41	MCTC 2B Main Hall Video Screenshot 02-05-2022 07:32:41
72	128	HOBBS006228 07.37.34	2B Main Hall Video Screenshot 02-05-2022 07:37:34
73	150-1	07.37.22-47	Video of Hallway 02-05-2022, 7:37:22 – 7:37:47
74	150-2	07.57.40	Photo of Hallway 02-05-2022 07:57:40
75	150-3	08.02.15	Photo of Hallway 02-05-2022 08:02:15
76	150-4	08.27.19	Photo of Hallway 02-05-2022 08:27:19
77	150-5	08.58.13	Photo of Hallway 02-05-2022 08:58:13
78	150-6	09.25.52-09.26.28	Video of Hallway 02-05-2022 09:25:52 - 09:26:28
79	150-7	09.26.05	Photo of Hallway 02-05-2022 09:26:05
80	150-8	09.30.12-59	Video of Hallway 02-05-2022 09:30:12 - 09:30:59
81	150-9	09.33.44-09.34.08	Video of Hallway 02-05-2022 09:33:44 - 09:34:08
82	150-10	09.30.47	Photo of Hallway 02-05-2022 09:30:47
83	150-11	09.33.55	Photo of Hallway 02-05-2022 09:33:55

84	90	HOBBS008555-008564	Affidavit of Ronald Danny West
85	160		Defendants' Jackson, Kelly, Montgomery, and Plummer's Expert Disclosures
86	170		Defendants Jeffery Artrip and Travis S. Poston Rule 26(a)(2) Expert Disclosures
87	35	2_VDOC_000422 - 000426	Medical Cell Logbook
88	35A	E_VDOC_00023551 - 00023553	Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita E. Call, Bridgett Ford, Tammy R. Jones, William Fields
89	35C	HOBBS000419 - 000421	Physician Documentation, Smyth County Community Hospital
90	41A	E_VDOC_00023683	Email from Tammy R. Jones to Mark Larsen, Laura Campbell
91	41B	2_VDOC_000458 - 000459	MCTC Medical Pill Call Logbook
92	41C	HOBBS000432 - 000713	SCCH ICU Inpatient Record
93	41D	2_VDOC_000364	VDOC Internal Incident Report
94	42	2_VDOC_000365	VDOC Internal Incident Report
95	42A	HOBBS005041	Handwritten Medical Notes
96	42B	HOBBS002121 - 002542	JMH Progressive Care Inpatient Record
97	43A	2_VDOC_001830-001841	VDOC Incident Report
98	44	2_VDOC_000460 - 000461	MCTC 1C Post Logbook

99	56	2_VDOC_000484 – 000485	Logbook, 1-C B-Break
100	56A	2_VDOC_000486 – 000491 000	MCTC Medical Cell Post Logbook
101	56B	HOBBS005051 – 005052	VDOC Physicians Progress Notes (MCTC 36)
102	56C	HOBBS005082	VDOC Internal Incident Report
103	56D	HOBBS001053 – 001170	SCCH Emergency Inpatient Record
104	56E	HOBBS001065 – 001076	SCCH Emergency Inpatient Record, ED Notes - ED Notes
105	57	HOBBS005083	VDOC Internal Incident Report
106	57B	HOBBS001195 – 001218	SCCH Med/Surg Inpatient Record, ED Notes - ED Notes
107	57C	HOBBS001171 – 001618	SCCH Med/Surg Inpatient Record
108	58	HOBBS001636-001642	SCCH ICU Inpatient Record ED Notes - ED Notes
109	58B	HOBBS005048	VDOC Physicians Progress Notes (MCTC 36)
110	58E	2_VDOC_000402	VDOC Officer's Log Sheet
111	77	E_VDOC_00023551 - 00023553	Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita Call, Bridgett Ford, Tammy Jones, William Fields
112	79	E_VDOC_00023571 -00023572	Emails with Tammy R. Jones, Mark S. Amonette, Meredith R. Cary
113	82	E_VDOC_00023596 -00023597	Emails with Kimberly Olinger, Tammy Jones, Ann Horst, Cynthia Lester, James L. Brown, James Lee, Bridgett Ford, Corena Reedy

114	87	MCTC00197	Emails with Mark Amonette, Cynthia Lester
115	15	HOBBS003831	VDOC Interdisciplinary Progress Notes (MCTC 41)
116	75	2_VDOC_000588	Emails from Brian Davis to George Berry forwarding email from Daniel K. Roland
117	76	2_VDOC_000586	CO Cox written statement
118	16	2_VDOC_000579 – 000581	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
119	16A	2_VDOC_000585	Investigative Interview, Robert Johnson
120	16B	E_VDOC_00024032	Email from Sonja Miller to George Berry
121	83	E_VDOC_00024030	Emails with Mary Fuqua, George H. Berry, Brian Davis,
122	19A	E_VDOC_00024052	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
123	20	HOBBS004259	VDOC Interdisciplinary Progress Notes (MCTC 41)
124	25	HOBBS004452	VDOC Interdisciplinary Progress Notes (MCTC 41)
125	25A	2_VDOC_000371 – 000375	VDOC Incident Report
126	27	HOBBS004440	VDOC Mental Health Services Progress Notes, MCTC
127	27A	HOBBS004445	VDOC Psychiatry Progress Note, MCTC
128	32	HOBBS004733 – 004738	VDOC Report of Investigation – #180213MAR – FINAL
129	32A	HOBBS000423 – 000425	Nurse's Notes, Smyth County Community Hospital

130	32D	2_VDOC_000494 – 000563	VDOC Investigative Report File
131	32F	HOBBS006024-6032	VDOC Report of Investigation – #180268MAR – FINAL
132	32G	2_VDOC_000376 – 000377	VDOC Incident Report
133	32H	2_VDOC_000413 – 000415	MCTC 2B Post Logbook
134	32I	2_VDOC_000366 – 000367	VDOC Internal Incident Report
135	32J	E VDOC 00024035	Email from George Berry to Johnny Acosta
136	33	HOBBS000376	VDOC Consultation Report
137	37	2_VDOC_000381 – 000398	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
138	74	2_VDOC_000369-370	VDOC Internal Incident Report
139	38	HOBBS000373 – 000410	General Surgery (Free Text Consult) - Consultation Note
140	38A	E_VDOC_00024033	Email from Gary Lyons to Scott Brown, George Berry
141	43	2_VDOC_000401	VDOC Officer's Log Sheet
142	47	2_VDOC_000464 – 000471	MCTC Medical Cell Logbook
143	47B	HOBBS002543 – 002989	JMH Progressive Care Inpatient Record
144	48	2_VDOC_000564 – 000578	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report

145	48A	2_VDOC_000569	Officer B. Harrington Letter to Lieutenant George Berry
146	48B	2_VDOC_000564 – 000566	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
147	48C	2_VDOC_000576 – 000578	Photos of Givens' Wounded Knees
148	49	HOBBS000884 – 000970	SCCH Emergency Inpatient Record
149	51	HOBBS005055 – 005056	VDOC Physicians Progress Notes (MCTC 36)
150	52	2_VDOC_000476 – 000478	MCTC 2-B Post Logbook
151	52A	HOBBS000981-000985	SCCH Emergency Inpatient Record, ED Provider Notes – ED Notes
152	52B	HOBBS000971 – 001053	SCCH Emergency Inpatient Record
153	54	2_VDOC_000564-000578	VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report
154	61	HOBBS004805	VDOC Physicians Progress Notes (MCTC 36)
155	65	HOBBS005060 – 005061	VDOC Interdisciplinary Progress Notes (MCTC 41)
156	86	MCTC00214, 178, 196	Emails with Jennifer Thompson, Ann H. Horst, Corena Mcghee, Cynthia Lester, Tammy R. Jones, Bridgett Ford, Kimberly Olinger, Jefferey C. Artrip, Chad Lard, VADOC Clinical Coordinator, Mary L. Gilbert, Mark Amonette, Shyam Singaredy
157	78	E_VDOC_00023520	Medical Transfer Request Form

158	80	E_VDOC_00023580-00023581	Emails with Ann Horst, Anita Call, Cynthia Lester, Daniel K. Roland, Tammy R. Jones, Corena McGhee
159	81	E_VDOC_00023588-00023589	Emails with Kimberly Olinger, James L. Brown, Jeffery C. Artrip, Corena McGhee Tammy R. Jones
160	91	2_VDOC_000685	VDOC Internal Incident Report
161	92	2_VDOC_000792	VDOC Written Complaint
162	93	2_VDOC_000806-11	VDOC Informal Complaint
163	93A	2_VDOC_000676	VDOC Internal Incident Report
164	94	2_VDOC_000716	VDOC Internal Incident Report
165	95	2_VDOC_000800	VDOC Written Complaint
166	98	VDOC002560-002565	MCTC Shift Commanders Office Post Logbook
167	99	VDOC002566-002570	MCTC SCO Post Logbook
168	100	VDOC002571-002576	MCTC SCO Post Logbook
169	101	VDOC002577-002586	MCTC SCO Post Logbook
170	102	VDOC002587-002593	MCTC SCO Post Logbook
171	103	VDOC002594-002599	MCTC SCO Post Logbook
172	104	VDOC002600-002609	MCTC Medical Cell Post Logbook
173	105	VDOC002610-002621	MCTC 1-B Post Logbook
174	106	VDOC002622-002633	MCTC 2-B Post Logbook

175	107	VDOC002634-002647	MCTC 2-B Post Logbook
176	68	HOBSS006053-006056	Virginia State Police Polygraph Unit Witness Examination

Plaintiff reserves the right to modify the foregoing list commensurate with the Court's further Orders. Plaintiff may also offer the following in her case: pleadings; any exhibit identified by a Defendant and not objected to; documents to be used for impeachment; documents permitted to be offered by the Federal Rules of Evidence, summaries of records, charts, and timelines; demonstrative aids; and Plaintiff's Experts' Reports (including CVs) and any reference materials.

Respectfully submitted,

KYMBERLY HOBBS, ADMINISTRATOR
OF THE ESTATE OF CHARLES JAMES
GIVENS,
DECEASED

By: /s/ Mark J. Krudys
Counsel

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Counsel for Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens, Deceased

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing all counsel of record.

/s/ Mark J. Krudys
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